



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,325	12/19/2000	Luc Attimont	Q62358	2589
7590	01/19/2005		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC Suite 800 2100 Pennsylvania Ave. N.W., DC 20037-3213				CHO, HONG SOL
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary <i>Supplementary</i>	Application No.	Applicant(s)
	09/739,325	ATTIMONT ET AL.

Examiner	Art Unit
hong s cho	2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 September 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,3,6 and 7 is/are rejected.

7) Claim(s) 2,4 and 5 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

This is a remail of the previous office action that was incorrectly mailed to the wrong address on 12/27/04.

Response to Amendment

1. This office action is in response to the amendment filed on 9/1/04. Claims 1-7 are pending in the instant application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Chan (U.S 5897613).

Re claim 1, Chan discloses a method providing for sound signal packets to be transmitted from the digitizing (“A-D converter”, figure 1, element 111) and encoding (“coder”, figure 1, element 113) means without taking account of the presence or absence of speech signals in the processed sound signals during an initial stage of call optimization (“transmitting speech signals interspersed with silence signals during a packet time interval”, abstract; column 1, lines 45-50). For the purpose of the examination, the Examiner considers “an initial stage of call optimization” as a packet time interval where speech and silence packets are transmitted.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman in view of Chan.

Re claim 3, Chapman discloses Voice Activity Detection (Determining) means that is used to detect voice (speech) signals in sound signals (column 4, lines 56-66). Chapman teaches that Voice Activity Detection enables digitized sound signals to be transmitted only if they contain speech signals (“starts audio (speech) packet transmission based on the existence of a conversation (speech signals)”, column 4, lines 56-66). Chapman, however, lacks the specific operation of a subscriber terminal. Chan shows telecommunications hardware, in particular subscriber terminal, which is connected to packet switched network (“transmission channel”, figure 1, element 102; column 2, lines 65-66) that is designed to send digitized sound signals (“an analog-to-digital converter that converts analog sound signals into digital signals”, figure 1, element 111). In view of this, having the teachings of Chapman and then given the concept of Chan, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the process of voice activation detection means to be embedded in

subscriber's terminal. The motivation to combine is to get the benefit taught by Chapman on the voice activity detection means to detect and transmit the voice (speech) signals in sound signals.

Re claim 7, Chapman discloses a cable modem at subscriber location (a subscriber terminal, column 3, lines 55-56).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chan.

Re claim 6, the usage of voice activity determining means in a voice processing system in a packet switched networks, for example, Voice over Internet Protocol (VoIP) is well known in the art.

Allowable Subject Matter

6. Claims 2, 4, and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claim 2 is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a method of determining the initial telephone call optimization stage of a duration that is selected to enable a receiving terminal to receive a sufficient number of digitized sound signal packets relating to the call to enable the size of the receive buffer for digitized sound signals to be determined on the basis of a statistical evaluation of the delays observed on the received packets.

Claims 4 and 5 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a timing means acting on the voice activity determining means so that said voice activity determining means act only after the end of an initial optimization stage of determined duration.

Response to Arguments

8. On page 7 lines 16-19 the Applicant argues that Chan does not disclose transmitting sound signal packets from the digitizing and encoding means without taking account of the presence or absence of speech signals in the processed sound signals during an initial stage of call optimization. The Examiner respectfully disagrees. Chan discloses transmitting speech signals interspersed with silence signals during a packet time interval (abstract; column 1, lines 45-50). Chan's "one (or few) ATM cells transmitted at the beginning of every silence interval is used to improve the overall voice quality of the transmission. Therefore, the Examiner concludes that the rejection of claim 1 stands rejected.

Applicant's arguments with respect to claims 2, 4, and 5 overcome the prior art of record, therefore, the rejection of claims 2, 4, and 5 is hereby withdrawn.

On page 9 lines 4-17 the Applicant argues that Chan does not disclose preventing a subscriber terminal from acting until the initial optimization stage has terminated. In fact, as explained above, Chan discloses transmitting speech signals interspersed with silence signals during a packet time interval. Chapman discloses enabling Voice Activity

Detection to transmit digitized sound signals only if they contain speech signals.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the process of voice activation detection means to be embedded in subscriber's terminal so that only digitized sound packets with speech signals are transmitted.

Conclusion

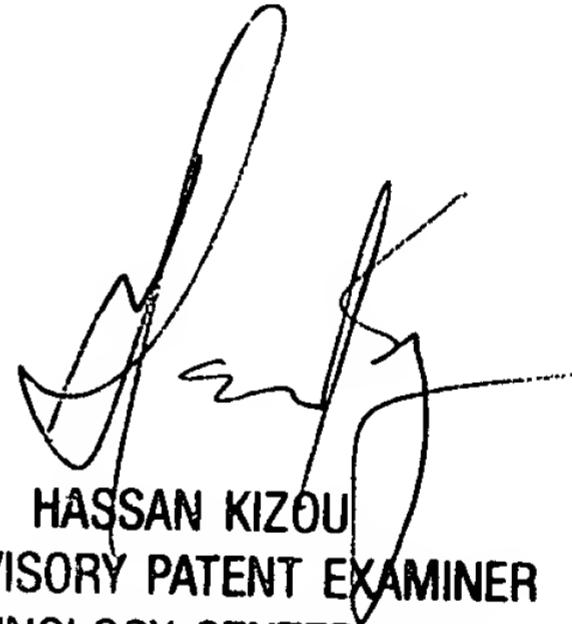
9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3088. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hong Cho
Patent Examiner
12-13-2004



HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600